IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

Crl.Rev.Pet.No. 886 of 2000()

CRA.117/1997 of ADDL. SESSIONS COURT, ALAPPUZHA
CC.392/1994 of JUDL.MAGISTRATE OF FIRST CLASS-II, CHERTHALA

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REVN. PETITIONERS:

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1. BABU, S/O.SREEDHARAN,
KAITHAVALAPPIL,
WARD-7, MUHAMMA.

2. MANIKUTTAN, S/O.KUMARAN,
POZHIVELIYIL, WARD-7,
MUHAMMA.

3. SANTHOSH, S/O.DEVAKI,
MULLASSERIVELIYIL,
WARD-7,
MUHAMMA.

4. RAJENDRAN, S/O.DAMODARAN, POZHIVELIYIL,
WARD-7, MUHAMMA.

5. RAJENDRAN, S/O.PARAMESWARAN,
NANNAMKURIVELIYIL,
WARD-7, MUHAMMA.

BY ADV. SRI.M.R.RAJENDRAN NAIR (SR.)
SRI.M.R.SUDHEENDRAN
SRI.NIDHI BALACHANDRAN
SRI.HARIRAJ
SRI.T.A.GEORGE JOSEPH

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.
BY PUBLIC PROSECUTOR, SRI AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.4701/2000 IN CRL.R.P.NO.886/2000

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

20/09/2007

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K.R.UDAYABHANU, J.

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Crl.R.P.No.886/2000-B

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Dated this the 20th day of September, 2007

O R D E R

The revision petitioners are the accused, five in number, who stand convicted for the offence under Sections 143, 147, 148, 341, 323 & 324 read with Section 149 I.P.C and sentenced to undergo simple imprisonment for one month each for the offence under Section 143 I.P.C, simple imprisonment for three months each for the offence under Section 148 I.P.C, simple imprisonment for one month each for the offence under Section 341 I.P.C, simple imprisonment for one month each for the offence under Section 323 I.P.C and simple imprisonment for six months each for the offence under Section 324 I.P.C. No separate sentence is awarded for the offence under Section 147 I.P.C.

2. The prosecution case is that the accused on account of political enmity on 08/06/1994 at about 7 a.m., while PW.3, the victim was passing through the Kallappuram-Thaduthuveli Panchayat road in front of S.N.Library building in Ward No.7 of Muhamma Panchayat, formed themselves into an unlawful assembly armed with sword sticks and attacked PW.3 and that accused Nos.1 to 3 stopped him and inflicted

blows with the sword sticks. The injuries sustained, as proved by PW.7, the doctor, vide Ext.P5 wound certificate are as follows:-

a) Incised wound 7 cms long on right parietal region of scalp obliquely placed.
b) Incised wound 3 cms x 1 cm skin deep on exterior aspect of middle 1/3 of right forearm,
c) Incised wound 3 cms x 2 cms skin deep over ulnar border of dorsal 1/6 of left forearm,
d) Incised wound 3.5 cms x 1.5 cm skin deep over exterior aspect of middle 1/3 of left forearm.
e) Incised wound 5 cms x 1 cm skin deep transversely placed over lateral aspect of lower 1/4th of left leg, and
f) Contusion 5 cms x 4 cms with an overlying abrasion 6 cms x 2 cm over lateral aspect of lower part of left side of chest.

3. The evidence of the victim, that is, PW.3 is supported by the testimony of PW.4, another occurrence witness. PW.1 turned hostile. I find that nothing is brought out in the cross-examination of PWs.1 and 4 to discredit their version. No contradiction in the previous statements was also brought out. In the circumstances, I find no reason to deviate from the concurrent findings of the court below. The conviction is confirmed.

4. The counsel for the criminal revision petitioners has pleaded for leniency pointing out that more than 12 years have elapsed since the commencement of the proceedings and that the accused and the victim belonged to the same locality and that they have settled their differences.

In the above circumstances and in view of long pendency of the matter the sentence imposed for the offence under Section 324 I.P.C is modified. Each of the accused is sentenced to undergo imprisonment till the rising of the court and to pay a compensation of Rs.7500/- (rupees seven thousand five hundred) each to PW.3 and in default to undergo simple imprisonment for three months each. No separate sentence is awarded for the rest of the offences. The revision petitioners are granted two months time to remit the amount of compensation. They shall appear before the Judicial Magistrate of the First Class-II, Cherthala on 28/11/2007 to receive the sentence. The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.R.P.No.886/2000-B

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O R D E R

20th September, 2007